

ESTTA Tracking number: **ESTTA765699**

Filing date: **08/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Rangers Baseball LLC
Granted to Date of previous extension	08/21/2016
Address	1000 Ballpark Way Arlington, TX 76011 UNITED STATES
Attorney information	Mary L. Kevlin/Timothy J. Buckley Cowan, Liebowitz & Latman, P.C. 114 West 47th St. New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com

Applicant Information

Application No	86667771	Publication date	02/23/2016
Opposition Filing Date	08/19/2016	Opposition Period Ends	08/21/2016
Applicants	Fowler, Rustin 10941 CR 1268 Flint, TX 75762 UNITED STATES Fowler, Ashley 10941 CR 1268 Flint, TX 75762 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2015/05/22 First Use In Commerce: 2015/05/22

All goods and services in the class are opposed, namely: Clothing, namely, tops, bottoms, shirts, t-shirts, tank tops, shorts, skirts, hats, headwear, shoes, socks, gloves, belts, bandanas, baby one piece bodysuits, baby tops, baby bottoms, hats for infants, dresses for infants and children

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	NOO 100 TEXAS MADE EST. 1845 AND DESIGN.pdf(315263 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy J. Buckley/
Name	Timothy J. Buckley
Date	08/19/2016



Cowan, Liebowitz & Latman, P.C.
114 West 47th Street
New York, NY 10036
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(212) 575-0671 Fax
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August 19, 2016

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Rangers Baseball LLC
Notice of Opposition Against
Rustin Fowler and Ashley Fowler
Application to register 100% TEXAS MADE EST. 1845 and
Design
Ref. No. 21307-036

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/667,771 published in the Official Gazette on February 23, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Timothy J. Buckley/
Timothy J. Buckley

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/667,771
Filed: June 19, 2015
For Mark: 100% TEXAS MADE EST. 1845 and Design
Published in the Official Gazette: February 23, 2016

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RANGERS BASEBALL LLC,	:
Opposer,	:
	:
v.	:
	:
RUSTIN FOWLER AND ASHLEY FOWLER,	:
Applicants.	:
-----X	

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Rangers Baseball LLC ("Opposer"), a Delaware limited liability company with offices at 1000 Ballpark Way, Arlington, Texas 76011, believes that it will be damaged by registration of the mark 100% TEXAS MADE EST. 1845 and Design, as depicted here:



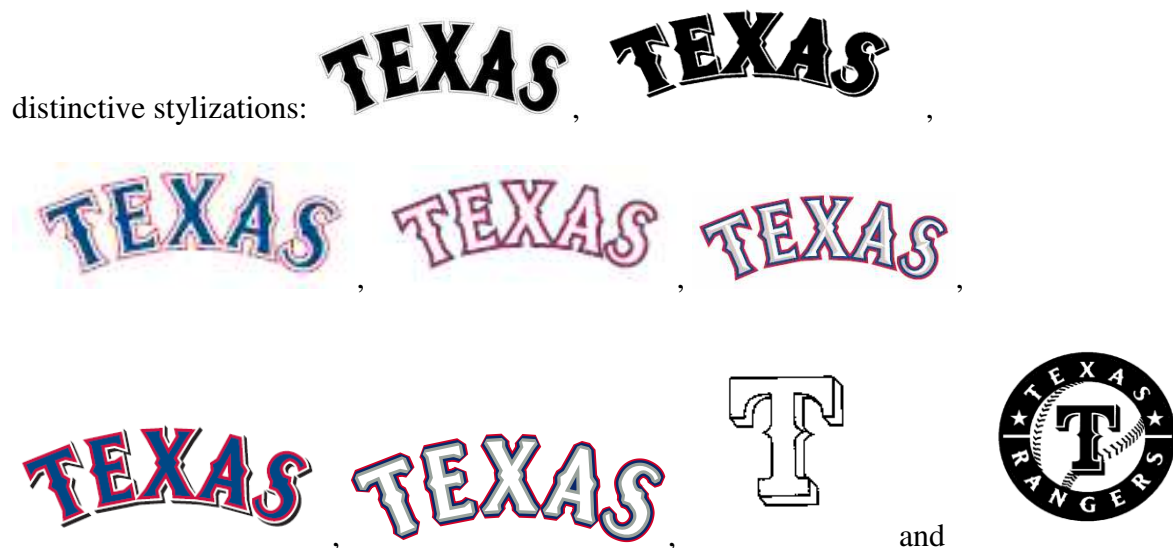
("Applicants' Mark") for "Clothing, namely, tops, bottoms, shirts, t-shirts, tank tops, shorts, skirts, hats, headwear, shoes, socks, gloves, belts, bandanas, baby one piece bodysuits, baby tops, baby bottoms, hats for infants, dresses for infants and children" and in

Application Serial No. 86/667,771 (the “Application”), and having been granted extensions of time to oppose up to and including August 21, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned TEXAS RANGERS MAJOR LEAGUE BASEBALL club (the “Club”).

2. Since long prior to May 22, 2015, Applicants’ claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name and mark TEXAS, and/or the letter “T”. including, without limitation, in the following



(“Opposer’s Stylized TEXAS Marks”), alone or with other word, letter and/or design elements (collectively, “Opposer’s TEXAS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, including, without limitation, headwear, caps, hats, visors, shirts, t-shirts, tank tops, pullovers, bottoms, shorts, pants, dresses, uniforms, jerseys, sweatshirts, scarves, robes, jackets, bibs, infant

wear, creepers, ties, socks, hosiery, footwear, shoes, sleepwear, pajamas, and robes; paper goods and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns United States federal registrations for Opposer's TEXAS Marks in International Classes 6, 9, 14, 16, 18, 21, 24, 25, 28, 41; namely, Registration Nos. 1,216,139; 1,281,505; 1,291,200; 1,481,113; 1,608,247; 1,838,549; 1,862,567; 1,936,820; 2,577,703; 3,295,146; 3,295,147; 3,295,154; 3,295,155; 3,295,156; 3,295,157; 3,320,503; 3,357,405; 3,649,095; 3,769,340 and 3,957,167. Registration Nos. 1,281,505; 1,291,200; 1,481,113; 1,608,247; 1,838,549; 1,862,567; 3,295,146; 3,295,147; 3,295,154; 3,295,155; 3,295,156; 3,295,157; 3,320,503, 3,357,405 and 3,769,340 are incontestable. Registration Nos. 1,936,820 and 2,577,703 are partially incontestable.

4. Since long prior to May 22, 2015, Applicants' claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's TEXAS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, including, without limitation, headwear, caps, hats, visors, shirts, t-shirts, tank tops, pullovers, bottoms, shorts, pants, dresses, uniforms, jerseys, sweatshirts, scarves, robes, jackets, bibs, infant wear, creepers, ties, socks, hosiery, footwear, shoes, sleepwear, pajamas, and robes; paper goods and printed matter; toys and sporting goods; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's TEXAS Marks, Opposer has built up highly valuable goodwill in

Opposer's TEXAS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 19, 2015, Applicants filed the Application for Applicants' Mark for "Clothing, namely, tops, bottoms, shirts, t-shirts, tank tops, shorts, skirts, hats, headwear, shoes, socks, gloves, belts, bandanas, baby one piece bodysuits, baby tops, baby bottoms, hats for infants, dresses for infants and children," claiming a first use date of May 22, 2015.

7. Upon information and belief, Applicants did not use Applicants' Mark for the goods covered in the Application prior to their claimed first use date of May 22, 2015.

8. The goods covered by the Application are identical and/or closely related to the goods offered in connection with Opposer's TEXAS Marks.

9. Applicants' Mark has as its dominant portion the stylized word TEXAS that is virtually identical to certain of Opposer's Stylized TEXAS Marks and the word MADE in the same stylization that the Club has long used as shown below:

One of Opposer's Stylized TEXAS Marks



Applicants' Mark



10. Applicants' Mark so resembles Opposer's TEXAS Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicants' goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in

some way with Opposer. Opposer would thereby be injured by the granting to Applicants of a certificate of registration for Applicants' Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicants' Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
August 19, 2016

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Timothy J. Buckley /

Mary L. Kevlin
Richard S. Mandel
Timothy J. Buckley
114 W. 47th Street
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 19, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicants' attorney and Correspondent of Record Shauna Maloney, Esq., Raj Abhyanker P C, 451 N Shoreline Blvd, Mountain View, California 94043-4605 with a courtesy copy to Applicants' Attorney Christopher Civil, Esq., LegalForce R.A.P.C., 1580 W. El Camino Real, Suite 14, Mountain View, CA 94040.

/Timothy J. Buckley /
Timothy J. Buckley